

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Economic and Community Development, **Office of Community Development**
Umbrella-Unit: **19-498**
Statutory authority: 30-A MRSA §4451(5)
Chapter number/title: **Ch. 300**, Certification Standards for Municipal Code Enforcement Officers and Third-Party Inspectors
Filing number: **2014-112**
Effective date: 6/8/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This chapter establishes the standards and procedures that the Office of Community Development uses to certify and recertify local code enforcement officers, local plumbing inspectors, municipal building officials, and third-party building inspectors, as required by 30-A MRSA §4451 and 10 MRSA ch. 1103. The Office proposes amending its rule to incorporate law changes and amend certification standards for the *Maine Uniform Building and Energy Code*.

Basis statement:

This chapter establishes the standards and procedures that the Office of Community Development uses to certify and recertify local code enforcement officers, local plumbing inspectors, municipal building officials, and third-party building inspectors, as required by 30-A MRSA §4451 and 10 MRSA ch. 1103. The Office's authority to promulgate this rule comes from 30-A MRSA §4451(5).

The rule amendments incorporate law changes and modify program delivery as a result of those law changes; and amend certification standards for the *Maine Uniform Building and Energy Code*.

The amendments respond to law changes as follows:

- 1) 25 MRSA ch. 331 that regulates construction for physically disabled has been struck from the definition of building standards because it has been repealed.
- 2) "Office" means the Department of Economic and Community Development's Office of Community Development. This is due to dissolution of the State Planning Office and the subsequent relocation of the Code Enforcement Training and Certification Program.
- 3) The population figure is changed from "2,000" in the previous rule, to "4,000" which is consistent with a change made to Title 10 Part 14 ch. 1103 §9724 in 2011.

The amendments respond to certification standards for the *Maine Uniform Building and Energy Code* as follows:

- 1) The "2009" has been deleted from the *Commercial and Residential Building and Energy Codes*. It is the intention that by eliminating the year we will reduce the need for rule changes each time the Technical Building Codes and Standards Board adopts a newer code.
- 2) Section 5: 3. D. "Review of Training Content" in the previous rule has been deleted from the proposed rule. It is a requirement of the Technical Building Codes and Standards Board Training and Certification Committee per Title 10 Part 14 ch. 1103 §9722 (3). It is an oversight task of the committee. The task of DECD's Office of Community Development is to implement training approved by the committee.

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- 3) The “Grandfather Provision” in the previous rule has been deleted from the proposed rule. The Technical Building Codes and Standards Board Training and Certification Committee has deemed it to no longer be necessary.
- 4) Individuals seeking to become certified as Third Party Inspectors are now subject to the same standards as Code Enforcement Officers in that those Individuals who through self-study pass the examination are no longer mandated to also sit through the class in order to receive certification.

Fiscal impact of rule:

The Office is required to by law to provide training and exams for municipal building officials at no cost and ensure training is geographically dispersed. Municipalities may incur the cost of travel for municipal building officials to attend training events. As small businesses are not subject to the rule, there is no impact on small businesses.

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Agency name: Department of Economic and Community Development, **Office of Community Development**
Umbrella-Unit: **19-498**
Statutory authority: 5 MRSA §13058 sub-§3
Chapter number/title: **Ch. 43**, Community Development Block Grant Program: 2015 Final Statement
Filing number: **2014-284**
Effective date: 12/13/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This rule allows the DECD to allocate federal CDBG funds in accordance with the U.S. Department of Housing and Community Development regulations. It describes the design and method of distribution of the funds for the State of Maine Community Development Block Grant Program.

Basis statement:

The *Program Statement* for the 2015 State of Maine Community Development Block Grant Program includes rules and regulations for administering the State of Maine Community Development Block Grant Program's 2015 funding allocation. The Community Development Block Grant Program is administered pursuant to 5 MRSA §13073.

The federal Department of Housing and Urban Development (HUD), on a yearly basis, makes an allocation of funds available to the State of Maine Community Development Block Grant Program. This final rule will enable adjustments in program definition, information and eligibility requirements on a regular and timely basis, provide the forum for regular and timely input about program operation and effectiveness from the public and from local governments, and allows the Office of Community Development the yearly opportunity to incorporate changes within the program that will improve and refine administration of the Maine CDBG Program.

The Community Development Block Grant Program is federally administered by the U.S. Department of Housing and Urban Development through Title I of the *Housing and Community Development Act of 1974*, as amended. The primary objective of the programs authorized under Title I of the *Housing and Community Development Act of 1974*, as amended, is described in section 101(c) of the Act (42 U.S.C. 5301(c). [53 FR 34437, September 6, 1988, as amended at 56 FR 56126, October 31, 1991; 61 FR 11475, March 20, 1996]

The primary objective of Title I of the *Housing and Community Development Act of 1974*, as amended, and of the community development program of each grantee under the Title is the development of viable communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.

In promulgating this *Program Statement*, the Office of Community Development was careful to adhere to the primary objective of the Act and to minimize potential costs to society wherever possible. To that end, the Office of Community Development will offer grant programs in an attempt to benefit Maine communities and low and moderate citizens in achieving their community and economic development objectives. Overall, the Office of Community Development believes that the regulatory approach taken in this *Program Statement* involves the least net cost to society and the greatest positive impact on low and moderate-income persons in the State of Maine. *The Program Statement* complies with federal and state statutes that mandate and describe program objectives maximizing net benefit to society and low and moderate-income persons.

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Fiscal impact of rule:

The Maine CDBG Program receives an annual allocation of federal funds from the U.S. Department of Housing and Urban Development. The State of Maine has recently received annual allocations in the range of \$10,400,000 to \$15,000,000. The DECD match for these funds for 2015 is \$256,183.